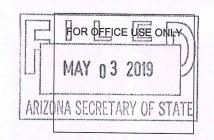


STATE OF ARIZONA

Application for Serial Number Initiative Petition A.R.S. § 19-111



The undersigned intends to circulate and file an initiative petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Attached hereto is the full title and text, in no less than eight point type, of the measure or constitutional amendment intended to be initiated at the next general election.

✓ Statutory Measure	Constitutional Amendment		
Date of Application	5-3-2019		
Signatures Required	237.645		
Deadline for Filing	7-2-2020		
Serial Number Issued	I-13-2020		

This act shall be cited as the "Save Oak Flat Act." This act nullifies section 3003 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015. The people declare that the legislature's lack of protection of tribal sacred areas located on Federal land poses significant religious, cultural, historic and anthropological significance for Native American tribes. We the people of Arizona declare that the land and water of Oak Flat is crucial to Arizona and must be protected.

Nicolas R. Guillermo			Save Oak Flat		
Name of Applicant			Committee Name 201800130		
5755 E. River Rd.					
Address	Value of the Control	Same As Same	Committee ID No.		
Tucson	AZ	85750	Nicolas R. Guillermo		
City	State	Zip	Chairperson		
520-250-4656			Tracy Molina		
Telephone Number			Treasurer		
libertyeconomy.us@gmail.com			4015 E. Caliente Canyon Place		
E-mail Address			Committee Address		
			Tucson	AZ	85749
			City	State	Zip
			520-250-4656		
		Committee Telephone Number			
			libertyeconomy.us@gmail.com		
			Committee E-mail Address		

By submitting this Application for Serial Number and checking all boxes below, I acknowledge the following:

That I have received and will review the accompanying Instructions for Statewide Initiatives, including the Secretary of State's recommended best practices for printing copies of the Statewide Initiative Petition to be circulated.

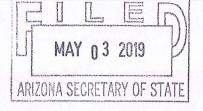
That at the time of filing, I was provided instructions regarding accurate completion of the Statewide Initiative Petition form.

Applicant Signature

5/3/19

Office of the Secretary of State 1700 W. Washington Street Phoenix, Arizona 85007

Rev. 03/04/2019



OFFICIAL TITLE "SAVE OAK FLAT ACT"

AN INITIATIVE MEASURE

AMENDING ARIZONA REVISED STATUTES TITLE 37, ADDING CHAPTER 3, ARTICLE 4, SECTION 37-742

Be it enacted by the people of the state of Arizona:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Save Oak Flat Act".

SEC. 2. FINDINGS.

The People of Arizona find as follows:

- (1) The Tenth Amendment to the Constitution of the United States codifies in law that the only powers which the Federal Government may exercise are those that have been delegated to it in the Constitution of the United States;
- (2) The Ninth Amendment to the Constitution of the United States guarantees to the people rights not enumerated in the Constitution and reserves to the people of Arizona those rights;
- (3) The power to regulate interstate commerce was delegated to the federal government in Article I, Section 8, Clause 3 of the Constitution. As understood at the time of the founding, the regulation of commerce was meant to empower Congress to regulate the buying and selling of products made by others (and sometimes land), associated finance and financial instruments, and navigation and other carriage, across state jurisdictional lines. This interstate regulation of commerce did not include agriculture, manufacturing, mining, malum in se crime, or land use. Nor did it include activities that merely substantially affected commerce;
- (4) Section 3003 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) authorizes approximately 2422 acres of Forest Service land known as "Oak Flat" in the Tonto National Forest in Southeastern Arizona that is sacred to Indian tribes in the region, including the San Carlos Apache Tribe and the Yavapai-Apache Nation, to be transferred to a mining company called Resolution Copper. That company plans to hold the Forest land privately for a mining project that will result in the physical destruction of tribal sacred areas and deprive American Indians from practicing their religions, ceremonies, and other traditional practices. The mining project will also create significant negative environmental impacts by destroying the area and depleting and contaminating precious water resources.
- (5) Once Resolution Copper owns the Oak Flat area, it plans to use the highly destructive block cave mining method to remove one cubic mile of ore that is now 7,000 feet beneath the surface of the earth without replacing any of the earth removed because that is the cheapest form of mining. Resolution Copper admits that the surface will subside and ultimately collapse, destroying forever this place of worship.
- (6) The Tonto National Forest in which Oak Flat is located was established in 1905 from the ancestral homelands of the Tonto Apache and other American Indians who were forcibly removed at gunpoint from the Oak Flat area and other areas of the Tonto National Forest by the United States Army in the 1880s and imprisoned in other areas, including what is now the San Carlos Apache Reservation, located approximately 15 miles from Oak Flat, where Apaches were held as prisoners of war until the early 1900s.
- (7) Section 3003 was included in the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 without proper legislative process and circumvented the will of the majority of Members of the House of Representatives. Section 3003 was originally introduced in the House of Representatives as H.R. 687 and in the Senate as S. 339 in the 113th Congress. H.R. 687 was brought to the floor of the House of Representatives for consideration twice and was pulled from consideration both times. S. 339 was never considered by the Senate or even considered for mark up by the Senate Committee on Energy and Natural Resources. Section 3003 was then included in the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 without majority support from either the House or Senate and an amendment to remove section 3003 was not allowed to be considered.
- (8) American Indian tribes have ceded or have had taken from them millions of acres of land to help build the United States and have suffered under Federal assimilationist policies that sought to destroy tribal cultures. Despite these policies, American Indians continue to practice their religions as they have done for thousands of years. American Indian places of worship, or sacred areas, are often land based, including mountains, streams, and trees. As a result of previous Federal land policies that resulted in the significant loss of lands of American Indian tribes, many sacred areas of tribes are now located on Federal lands.
- (9) The United States has a trust responsibility acknowledged by Congress to protect tribal sacred areas on Federal lands. These laws require meaningful consultations with affected Indian tribes before making decisions that will impact American Indians. In contradiction to these laws, section 3003 requires the mandatory conveyance of a tribal sacred area located on Federal lands regardless of the outcome of consultation with affected Indian tribes.
- (10) Section 3003 was strongly opposed by Indian tribes nationwide because it sets dangerous legislative precedent for the lack of protection of tribal sacred areas located on Federal lands by mandating the conveyance of Federal lands with significant religious, cultural, historic, and anthropological significance for Indian tribes to a private company that will destroy the land.

(11) Section 3003 circumvents standard environmental review procedures that ensure that the public interest is protected, including the interests of Indian tribes. Section 3003 requires a mandatory conveyance of the Oak Flat area regardless of the findings resulting from the environmental review process. The mining project will require significant amounts of water that will likely affect the local hydrology, including the underlying aquifer, and will result in polluted water that will seep into drinking water supplies.

(12) The inclusion of section 3003 in the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 sets negative precedent for legislative process and for Federal Indian policy.

AMENDING ARIZONA REVISED STATUTES TITLE 37, ADDING CHAPTER 3, ARTICLE 4, SECTION 37-742 TITLED "REPEAL OF THE SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION."

SECTION 3003 OF THE CARL LEVIN HOWARD P. BUCK MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015 (PUBLIC LAW 111-291) IS NULLIFIED.

THE PEOPLE OF THE STATE OF ARIZONA DECLARE THAT THE FEDERAL PROHIBITIONS ON PROTECTING OUR TRIBAL LANDS, WATER AND NATURAL RESOURCES ARE NOT AUTHORIZED BY THE CONSTITUTION OF THE UNITED STATES AND VIOLATES ITS TRUE MEANING AND INTENT AS GIVEN BY THE FOUNDERS AND RATIFIERS, AND ARE HEREBY DECLARED TO BE INVALID IN THIS STATE, SHALL NOT BE RECOGNIZED BY THE STATE, AND ARE SPECIFICALLY REJECTED BY THIS STATE, AND SHALL BE CONSIDERED NULL AND VOID AND OF NO EFFECT IN THIS STATE.

IT SHALL BE THE DUTY OF THE LEGISLATURE OF THIS STATE TO ENACT ANY AND ALL MEASURES AS MAY BE NECESSARY TO PREVENT THE ENFORCEMENT OF FEDERAL PROHIBITIONS ON PROTECTING OUR TRIBAL LAND, WATER AND NATURAL RESOURCES WITHIN THE LIMITS OF THIS STATE.

ANY OFFICIAL, AGENT, OR EMPLOYEE OF THE UNITED STATES GOVERNMENT, OR ANY EMPLOYEE OF A CORPORATION PROVIDING SERVICES TO THE UNITED STATES GOVERNMENT THAT ENFORCES OR ATTEMPTS TO ENFORCE AN ACT, ORDER, LAW, STATUTE, RULE, OR REGULATION OF THE GOVERNMENT OF THE UNITED STATES IN VIOLATION OF THIS ACT SHALL BE GUILTY OF A FELONY AND UPON CONVICTION MUST BE PUNISHED BY A FINE NOT EXCEEDING TWO MILLION DOLLARS (\$2,000,000.00), OR A TERM OF IMPRISONMENT NOT EXCEEDING TWENTY YEARS, OR BOTH.

ANY PUBLIC OFFICER OR EMPLOYEE OF THE STATE OF ARIZONA THAT ENFORCES OR ATTEMPTS TO ENFORCE AN ACT, ORDER, LAW, STATUTE, RULE OR REGULATION OF THE GOVERNMENT OF THE UNITED STATES IN VIOLATION OF THIS ACT SHALL BE GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL, NOT EXCEEDING TEN YEARS, OR BY A FINE NOT EXCEEDING FIFTY THOUSAND DOLLARS (\$50,000.00), OR BOTH SUCH FINE AND IMPRISONMENT.

SECTION 4.

This act takes effect upon the approval of the People of Arizona.

